REMARKS

Claim Status

Claims 2 and 3 are currently pending. Applicant notes that the Examiner referred to Claims 1 and 2. However, the Preliminary Amendment of August 23, 2001 canceled Claim 1 and added new Claims 2 and 3. Applicant assumes the Examiner examined Claims 2 and 3 and refers hereinafter to these claims. If this assumption is not correct, Applicant asks the Examiner to notify Applicant.

Claim Rejections – 35 USC §103

The Examiner rejects Claims 2 and 3 under 35 USC §103(a) as being unpatentable over Micaletti (U.S. Patent No. 6,122,001) in view of Koyama (U.S. Patent No. 5,068,767) and further in view of Kikuchi (U.S. Patent No. 5,212,598). Briefly, the Examiner asserts that Micaletti discloses all features of Claims 2 and 3 except for at least two lighting devices and a camera lens having a zoom lens. The Examiner cites Koyama for disclosing lighting devices, and Kikuchi for disclosing a zoom tracking apparatus. The Examiner concludes that it would have been obvious to one of ordinary skill in the art to add the automatic focusing shadowless lighting device to the system disclosed in Micaletti to ensure that the surface being imaged would be able to be seen without distortion from shadows. For the reasons set forth below, Applicant traverses the rejections of Claims 2 and 3, and respectfully requests reconsideration and withdrawal of the rejections.

Claim 2 has been amended to specify that the camera includes a CCD sensor and a zoom lens with autofocus and a fast zoom adjustment drive as a camera lens, and that the control device actuates the zoom adjustment drive to maintain a constant picture scale independent of variances in the measured heights of the parcels. Claim 3 has been amended to conform to amended Claim 2. Claims 2 and 3 as amended further distinguish over the cited references.

Micaletti discloses an image acquisition system for sorting packets that performs successive focusing operations to move the zone of sharpness to cause it to track the vertical profile of the top face of a parcel passing beneath the objective lens system of the

camera (col. 3, lines 45 – 49). A motor moves the moving lens to a desired position for obtaining the required focusing (col. 4, lines 10 – 13).

Applicant respectfully disagrees with the Examiner's assertion that Micaletti's moving of the moving lens provides for a consistent picture scale independent of variances in the measured heights of the parcels. As is known in the field optics, the picture scale is the ratio of image size to object size. A constant picture scale, regardless of the parcel height, ensures the same conditions with respect to the image resolution for the subsequent processing by the OCR reader. Micaletti does not disclose or suggest providing a constant picture scale, as defined in amended Claim 2. Instead, Micaletti moves the lens in order to obtain the required focusing, i.e., to obtain a sharp image.

Hence, Micaletti not only fails to disclose the features already identified by the Examiner (i.e., two lighting devices and a camera lens having a zoom lens), but also fails to disclose a zoom adjustment drive and a control device that actuates the zoom adjustment drive to maintain a constant picture scale independent of variances in the measured heights of the parcels.

Koyama discloses a shadowless lighting device for medical purposes (e.g., col. 1, line 11). Note that Koyama fails to disclose a camera. Unlike in the field of sorting moving parcels, a patient does not move horizontally during a medical imaging procedure, such as X-Ray or MRI. In fact, patients are positioned on stationary supports that do not move with respect to the imaging equipment. As such, Koyama relates to a very different field of use that has different requirements.

Further, as the patient is not moving horizontally, Koyama does not disclose lighting devices that are arranged crosswise in the conveying direction, as defined in Claim 2. Instead, Koyama discloses lighting device with a plurality of illuminating bulbs 70 arranged in a housing 60. As shown in Figures 2, 3a, 4a and 8, the bulbs 70 appear to be arranged side by side within the housing 60. The housing includes a motor 40 (e.g., Figure 2), and a lower part of the housing includes at its center a sensor 30 (col. 4, lines 59 – 51). As shown in Koyama's figures, the lighting device is positioned above the non-moving patient.

Koyama's lighting device is not compatible with Micaletti's system for sorting packets. Assuming, for the sake of argument only, one of ordinary skill in the art would

consider using Koyama's lighting device in Micaletti's system, the housing of the lighting device would have to be positioned between the camera and a parcel to be recorded in order to avoid shadows as recited in Claim 2. However, the housing would block the view of the camera so that the camera would not be able to record an image of the parcel.

Furthermore, it appears the Examiner uses impermissible hindsight in applying the medical purpose device of Koyama to Micaletti's parcel sorting system. Micaletti provides no motivation or suggestion to add any lighting device, let alone to explore lighting devices for medical purposes. Applicant notes in this regard that Micaletti even teaches that the lighting power can be reduced (col. 2, lines 34 – 41). As such, Micaletti even teaches away from adding a lighting device.

Referring now to Kikuchi. Kikuchi discloses a zoom tracking apparatus of a focusing lens in which a position of a focusing lens is controlled to an in-focus position so as to follow a motion of a zoom lens (Abstract). Although Kikuchi discloses a lens system (Fig. 2) and describes how this lens system is controlled, Kikuchi does not disclose or suggest a control device that actuates a zoom adjustment drive to maintain a constant picture scale independent of variances in the measured heights of the parcels.

In view of the above, Applicant respectfully submits that a combination of Micaletti, Koyama and Kikuchi does not disclose or suggest each and every limitation recited in Claim 2. Applicant respectfully requests the Examiner to reconsider and to withdraw the rejection of Claim 2, as amended, and to pass Claim 2 to allowance.

Claim 3 depends from Claim 2. For the inventive features recited in Claim 3 and because Claim 3 depends from Claim 2, Claim 3 is believed to be allowable as well. Applicant respectfully requests the Examiner to reconsider and to withdraw the rejection of Claim 3 and to pass Claim 3 to allowance.

Conclusion

A full and complete response to the outstanding Office Action is believed to have been made. This response is believed to place the application in condition for allowance and such allowance is respectfully requested. No new matter has been added. The Examiner is invited to contact the undersigned at jacob.eisenberg@siemens.com for any reason.

In the event that the transmittal form is separated from this document and the Patent Office determines that an extension of time and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees in connection with the filing of this document to **Deposit Account No. 502464:** referencing attorney docket number 1998P03666WOUS. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully Submitted,

Jacob Eisenberg

SIEMENS SCHWEIZ
Intellectual Property
IP, I-44
Albisriederstrasse 245
CH-8047 Zürich, Switzerland
Tel: +41 (0) 585 583 295
Fax: +41 (0) 585 583 228

Jacob Eisenberg, Esq.
Attorney for Applicant
Registration No. 43,410
Customer Number 28204